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|---------------------|---|--------------------------|
| RAY LANDON WARMSLEY | § |                          |
| v.                  | § | CIVIL ACTION NO. 5:10cv2 |
| RICK THALER, ET AL. | § |                          |

The Plaintiff Ray Warmley, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Warmsley complains of an incident in which his Bible was confiscated and “a near riot” took place. He also complains, more generally, of TDCJ Administrative Directive 03.72, governing inmate property. The Defendants were ordered to answer the lawsuit and filed a motion for summary judgment, as well as a motion to dismiss part of the lawsuit as frivolous. Warmesley did not file a response to this motion, although he has filed a motion for a pre-trial conference.

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prejudice as to its refiling *in forma pauperis*, but without prejudice to its refiling without seeking *in forma pauperis* status and upon payment of the full fee.

Warmsley received a copy of the Magistrate Judge's Report on or before March 7, 2011, but has filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 31) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff Ray Warmsley's *in forma pauperis* status is hereby REVOKED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory \$350.00 filing fee. It is further

ORDERED that should the Plaintiff pay the full filing fee within 30 days after the date of entry of final judgment in this case, he shall be allowed to proceed in the lawsuit as through the full fee had been paid from the outset. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby  
DENIED.

**SIGNED this 11th day of April, 2011.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE